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COORDINATION QUESTIONS

Note by the Secretary-General pursuant to Economic and Social Council resolution 1990/78

Addendum

ANNEX

Report on refugees, displaced persons and returnees, prepared by Mr. Jacques Cuénod, Consultant

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 12	5
II.	BACKGROUND	13 - 19	7
III.	THE MAIN ENTITIES CONCERNED	20 - 111	9
	A. General remarks	20 - 23	9
	B. The United Nations Secretary-General	24 - 38	10
	1. The role of the Secretary-General at Headquarters	24 - 30	10
	2. The role of the Secretary-General at the international level	31 - 34	12

* E/1991/100.

CONTENTS (continued)

		Paragraphs	Page
	3. The role of the Secretary-General at the country level	35 - 38	14
C.	United Nations organizations	39 - 51	14
	1. Office of the United Nations Disaster Relief Coordinator (UNDRO)	39 - 44	14
	2. Office for Research and the Collection of Information (ORCI)	45 - 48	16
	3. United Nations Centre for Human Rights (UNCHR)	49 - 51	17
D.	Other United Nations entities	52 - 90	18
	1. United Nations Development Programme (UNDP)	52 - 57	18
	2. Office of the United Nations High Commissioner for Refugees (UNHCR)	58 - 76	20
	3. World Food Programme (WFP)	77 - 83	24
	4. United Nations Children's Fund (UNICEF)	84 - 87	25
	5. United Nations specialized agencies	88 - 90	26
E.	Other entities	91 - 111	27
	1. International Organization for Migration (IOM)	91 - 98	27
	2. International Red Cross and Red Crescent Movement	99 - 108	29
	3. Non-governmental organizations	109 - 111	30
IV.	THE AFFECTED GROUPS	112 - 128	31
A.	Refugees	113	31
B.	Externally displaced persons	114 - 115	32
C.	Internally displaced persons	116 - 125	32
D.	Returnees	126 - 128	34

/...

CONTENTS (continued)

		Paragraphs	Page
V.	PROPOSED COORDINATING ARRANGEMENTS	129 - 186	35
	A. General remarks	129 - 134	35
	B. Proposed coordinating arrangements	135 - 150	36
	1. At United Nations Headquarters level	135 - 140	36
	2. At Geneva level	141 - 148	37
	3. At country level	149 - 150	39
	C. Proposed programming procedure for emergencies	151 - 186	39
	1. Procedures	151	39
	2. Early warning	152 - 154	39
	3. Right to humanitarian assistance and access to people in need	155 - 163	40
	4. Needs assessment	164	41
	5. Division of responsibilities	165	42
	6. Consolidated plans of action	166 - 167	42
	7. Joint appeal and central fund	168 - 170	43
	8. Central Emergency Fund	171 - 173	43
	9. Supply depots	174 - 177	44
	10. Implementation and monitoring	178	44
	11. Reporting	179	44
	12. Evaluation	180 - 182	44
	13. Personnel	183 - 184	45
	14. Information	185 - 186	46
VI.	FROM EMERGENCY TO DEVELOPMENT	187 - 198	46

CONTENTS (continued)

Page

Annexes

I. ECONOMIC AND SOCIAL COUNCIL RESOLUTION 49

II. TERMS OF REFERENCE 51

I. INTRODUCTION

1. This report was prepared in response to a request contained in Economic and Social Council resolution 1990/78 of 27 July 1990, entitled "Refugees, Displaced Persons and Returnees" which is attached as annex I.

2. This resolution was the result of a decision taken by the UNDP Governing Council on 22 June 1990 (resolution 90/22) to invite the Economic and Social Council to request the Secretary-General "to initiate a United Nations system-wide review which, inter alia, will assess the experience and capacity of various organizations in assisting all categories of refugees, displaced persons and returnees, and the whole spectrum of their needs, in supporting the efforts of the affected countries to address the problem".

3. A number of situations of uprooted persons of an exceptional magnitude have occurred over the last few years (Afghanistan, Liberia, Iraq), which have required large-scale humanitarian support from the private and public sectors. Governments look to the United Nations system to respond to these emergencies and to channel the required assistance. Many members of the United Nations system have become involved in one way or another. When asked to assess its contribution almost every entity perceives itself as having acted swiftly and efficiently. One agency is proud to have been the first on the spot to assess the needs; another claims credit for having sent the first shipment of relief; yet another was quick in launching the first appeal; etc. However, many Governments criticized the manner in which the United Nations system, as a whole, responded to these complex situations, the main criticism being the difficulty that the United Nations entities have and the time it takes to agree among themselves on an acceptable coordination arrangement to decide on how to assess the situation, to reach a clear division of responsibilities, to work out a unitary plan of action and to get the Secretary-General to launch a joint appeal.

4. Combining expertise and resources of all its members, the United Nations system should be able to respond to an emergency as swiftly as one of its members. This report is the initial attempt towards this objective.

5. During his consultancy, which lasted from 4 March to 8 May 1991, the consultant travelled to New York, Rome and Geneva for meetings with senior officials at United Nations Headquarters and the following United Nations entities:

(a) Office for Research and the Collection of Information (ORCI);

(b) United Nations Centre for Human Rights (UNCHR);

(c) United Nations Children's Fund (UNICEF);

(d) United Nations Development Programme (UNDP);

(e) United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA);

(f) Office of the United Nations Disaster Relief Coordinator (UNDRO);

(g) Office of the United Nations High Commissioner for Refugees (UNHCR);

(h) World Food Programme (WFP);

(i) International Labour Organisation (ILO);

(j) Food and Agriculture Organization of the United Nations (FAO);

(k) World Health Organization (WHO).

The terms of reference of the consultant are attached as annex II.

6. Discussions were also held with the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC) and the League of Red Cross and Red Crescent Societies. Two meetings were held with non-governmental organizations (NGOs), one in New York and the other in Geneva.

7. Two informal meetings were held in New York with government representatives of donor countries, and government representatives of affected countries respectively. In addition, the chairperson of the UNHCR Working Group on Solutions and Protection meeting in Geneva, invited the consultant to attend part of one Working Group session during which representatives of Governments and the consultant exchanged views on various aspects of the review.

8. The time allocated for the review did not allow the consultant to assess at field level the coordinating arrangements made by the affected countries and by the United Nations system, and how they related to each other.

9. According to the terms of Economic and Social Council resolution 1990/78, the review had to keep in mind the mandates of the United Nations organizations concerned; moreover recommendations on ways of maximizing cooperation and coordination in the United Nations system had to be within existing resources. The recommendations contained in the report respect these two limits and could therefore be implemented under the authority of the Secretary-General without lengthy legislative procedures.

10. The Economic and Social Council resolution comes at a time where the potential and actual number of persons leaving their habitual place of residence with the hope to settle somewhere else, whether temporary or for good, has reached unprecedented proportion: some 17 million refugees, 24 million internally displaced persons and an unknown number of voluntary migrants without counting the slow but continuous drift of population from rural to urban areas. Resolution 1990/78 refers to mass population movements resulting from conflict, natural and man-made disasters and war. Internal

disturbances and gross violations of human rights can as well be the cause of forced and often large displacement of persons who may be classified either as refugees when they cross a national border or internally displaced persons when they remain within the boundaries of their country. As far as man-made and natural disasters are concerned, one can make a distinction between causes provoking slow movements of population (such as extreme poverty and degradation of the environment) or sudden migration due to chemical or nuclear accidents or to earthquakes, cyclones and floods. Presumably the resolution does not cover the slow population movements which does not provoke suddenly an emergency situation but focuses on sudden and involuntary migration requiring immediate action on the part of the international community. This is the framework within which this report is written although the consultant is well aware that the distinction between forced and voluntary migrations is blurred as both the push and pull factors play a role in the decision to stay or to move.

11. From contacts the consultant had with government representatives, a trend could be detected in favour of bringing closer together the various entities dealing with humanitarian issues, as well as a desire to facilitate the transition between emergency relief operations on the one hand, and rehabilitation and development cooperation on the other hand. The recommendations contained in this report point in these directions, but within the framework of the Economic and Social Council resolution. However, the Council may wish to consider the possibility of initiating a wider study on how the mandates of the United Nations entities should be harmonized so that all refugees, displaced persons and returnees receive the protection and assistance they need in the most efficient manner, taking into account the mandates of non-United Nations institutions such as IOM and ICRC. A wider study might also include ways for the international community to dispose of a large and operational task force which could be sent on short notice whenever an emergency occurs.

12. Closer links between the political regime (particularly prevention of conflicts as well as peace-making and peace-keeping operations) and humanitarian activities within the United Nations system should be reinforced to improve the response to emergencies in cases when political actions failed to prevent a new situation of refugees, displaced persons and/or returnees.

II. BACKGROUND

13. During the last 10 years several studies have been undertaken on ways to respond effectively to emergency situations. Pursuant to a request contained in resolution 1980/43 of 23 July 1980 adopted by the Economic and Social Council at its second regular session of 1980, the Secretary-General requested Mr. George F. Davidson (former Under-Secretary-General for Administration and Management) to prepare a summary report on "International efforts to meet humanitarian needs in emergency situations" which was transmitted to the Economic and Social Council at its first regular session of 1981 (document E/1981/16 of 9 March 1981).

14. The Secretary-General, with the assistance of Mr. Gordon Goundry (former Assistant Secretary-General in the Office for Special Political Questions and Joint Coordinator of Special Economic Assistance Programmes), submitted a report entitled "Strengthening the capacity of the United Nations system to respond to natural disasters and other disaster situations" to the thirty-eighth session of the General Assembly and the second regular session of 1983 of the Economic and Social Council (document A/38/202-E/1983/94 of 23 June 1983).

15. At its forty-first session, the General Assembly, in its resolution 41/201 of 8 December 1986, requested the Secretary-General to submit a report, "... including a comprehensive review and assessment of the existing mechanism and arrangements within the system for disasters and emergency assistance and coordination". This report was submitted by the Secretary-General to the General Assembly at its forty-second session (document A/42/657 of 15 October 1987), and it was based on a study carried out by a consultant, Mr. John Saunders (former Assistant Secretary-General of the United Nations and of UNICEF), whose report was made available to interested delegations.

16. There are other studies on subjects related to this review. For instance:

(a) The study of the Special Rapporteur of the Commission on Human Rights, Sadruddin Aga Khan, on Human Rights and Mass Exoduses (E/CN.4/1503 of 31 December 1981), which focuses mainly on the root causes of forced displacements;

(b) The report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees (A/41/324 of 13 May 1986) which deals mainly with the various aspects of preventive action;

(c) The report on the Coordination of Activities as related to Early Warning of Possible Refugee Flows, prepared by the Joint Inspection Unit, which recommends the establishment of an effective early warning system of possible refugee flows (JIU/REP/90/2 of September 1990).

17. The link between relief and development cooperation has been the subject of many seminars organized by the United Nations, non-governmental organizations and/or research institutes or universities. In spite of references made in many General Assembly resolutions on the necessity of ensuring the complementarity between relief to development, relatively little progress has been made compared to the efforts expended.

18. The list of initiatives referred to above is not, by far, exhaustive but it shows that Economic and Social Council resolution 1990/78 was not born in a vacuum. The review, although incomplete, tries to build on what has been already achieved, while at the same time attempting to go a few steps further in the hope that the recommendations presented here, although constituting proposals which might be implemented separately, would also mesh well with more fundamental and institutional reform.

19. The specifics of this review represent an approach which covers the full spectrum of the needs (protection, relief and development) of all groups of uprooted persons who were suddenly forced to migrate (refugees, displaced persons and returnees).

III. THE MAIN ENTITIES CONCERNED

A. General remarks

20. At the risk of oversimplifying a very complex structure, the members of the United Nations system could be divided into two broad categories:

(a) Those reflecting the structure of a Government with its technical ministries, which correspond to the United Nations specialized agencies, and its central ministries corresponding to UNDP. This is commonly referred to as the United Nations development system. In this report, it is called the sectoral approach. For instance, a ministry of health deals with the health aspects from the policy formulated at the central government to the primary health care of the community level;

(b) The second category (sometimes referred to as United Nations programmes, and here as the horizontal approach) includes entities responsible for dealing with a particular sector of the population: UNHCR for refugees, UNICEF for women and children, WFP for people in need of food, etc.

21. With such a dual approach, there are two ways to avoid duplicating assistance:

(a) Either the specialized entities (sectoral approach) deal with all basic needs in their sector irrespective of the status of the persons involved (nationals, foreigners, or refugees) leaving the entities in the horizontal approach to cover the additional needs of specific vulnerable population groups;

(b) Or the specialized entities cover the needs of some groups of the population (say nationals and foreigners) leaving the entities with a horizontal approach to cover basic and special needs of the other groups (e.g. refugees).

22. However, there is a risk of duplicating aid provided by the United Nations development system (the sectoral approach) with that provided by other United Nations organizations dealing with emergencies (the "horizontal channel"), whenever the latter organizations cover not only the special needs of vulnerable groups, but also part of the basic needs of these groups which are supposed to be met by the United Nations development system. Duplication of assistance also occurs when members of the United Nations development system involve themselves in emergencies and special needs of vulnerable groups which are normally the concern of United Nations humanitarian entities.

23. Overlapping mandates and duplication of assistance exist not only between the members of the United Nations development system and other United Nations entities, but also within each category. For instance, both UNICEF and UNHCR are, at present, discussing the most appropriate way of assisting refugee children.

B. The United Nations Secretary-General

1. The role of the Secretary-General at Headquarters

24. The Secretary-General has a major role to play in the prevention, containment, mitigation and resolution of complex situations which may generate refugees, displaced persons and returnees. In such situations the political aspects are predominant and require a solution before assistance programmes for one or more groups of uprooted persons can be developed. For these situations, the Secretary-General may designate a special representative (also referred to as special coordinator, personal representative or executive delegate) who is attached to his Office. Thus a Special Representative to the Middle East has been designated by the Secretary-General to assist in the implementation of resolution 242 (1967) adopted by the Security Council. Similarly, a Special Representative of the Secretary-General for Western Sahara has been designated.

25. However, in other similar situations where a full-time person is not required, the Secretary-General appoints an existing Under-Secretary-General as his Special Representative for a given situation, who will continue, in addition to these new responsibilities, to discharge her/his normal duties. Thus the Under-Secretary-General for International Economic and Social Affairs is at the same time the Special Representative for Humanitarian Affairs in South-East Asia; or the Assistant Secretary-General, Office for Research and the Collection of Information, is in addition the Personal Representative of the Secretary-General for the Central American Peace Process.

26. It should be noted that the normal functions of an Under-Secretary-General acting as a Special Representative often bears little relationship to the situation with which he/she has been entrusted. The Secretary-General has no department responsible to deal with the political, humanitarian and long-term aspects of (potential) refugee situations; nor does he have a department composed of officials with regional and country expertise. The Secretary-General acts on the principle of the optimum use of existing resources which may give the impression that the designation of a Special Representative within Headquarters is ad hoc.

27. When a situation involving refugees, displaced persons and returnees requires the participation of several United Nations entities, the Secretary-General is supposed to consult with the United Nations organizations concerned and designate a lead entity both at the international level and at the country level. This entity may be either an organization or a Special Representative (General Assembly resolution 36/225 of 17 December 1982). In

1981 and 1982, the General Assembly and the Administrative Committee on Coordination (ACC) devoted a substantial part of their time to strengthening the capacity of the United Nations system to respond to emergencies and on defining the role of the lead entity (General Assembly resolution 36/225 of 17 December 1981 and 37/144 of 17 December 1982; ACC decisions 1981/2 of December 1981 and 1982/1 of December 1982). The conclusions of these initiatives are embodied in the Secretary-General's report prepared with the assistance of Mr. G. Goundry (see para. 13).

28. Some four years later, at the request of the General Assembly, the Secretary-General submitted a report (document A/42/657 of 15 October 1987) on the implementation of resolution 41/201 of 8 December 1986, entitled "Office of the United Nations Disaster Relief Coordinator" in which he wrote: "one of the important lessons learned from the experience of the Office of Emergency Operations in Africa was the importance of drawing on the authority of the Secretary-General in mobilizing the international community and promoting a coordinated response by the United Nations system, and thus the need of a capacity at United Nations Headquarters to ensure that he is kept fully informed on potential and existing disaster situations so as to be in a position to take the appropriate action. The Secretary-General has decided to entrust this responsibility, on a continuing basis, to the Director-General for Development and International Economic Cooperation". The initiative of the Secretary-General to establish such a central focal point was endorsed by decision 42/433 adopted by the General Assembly on 11 December 1987. It is difficult to assess the extent to which this unit was established, but whether or not it ever existed, it is not now operational.

29. The number of internal conflicts increased sharply during recent years and there is no sign that a decrease will occur in the near future. One can foresee an increase in the activities of the Secretary-General in the political and security fields (special political affairs; conflict prevention, containment and resolution; peace-keeping operations; United Nations observer teams; issues being dealt with by the Security Council, etc.). Conflicts generally generate population movements which, in turn, create emergencies. Thus the linkage between the political level and the humanitarian regime will need to be developed further particularly at the United Nations Headquarters level. The other linkage which, in turn, will require more attention is that between the humanitarian regime and development cooperation. With these two linkages, the continuum from political through humanitarian to development regimes could be achieved. The centre of gravity for the political and development regimes is in New York while Geneva is the focal point for humanitarian affairs. This geographical division will not facilitate the work of the coordinator for humanitarian and development activities related to emergencies. However, it would seem logical that the duty station of such an official be in New York from where every situation starts and ends, with frequent trips to Geneva to meet with heads of humanitarian entities and chair the committee of concerned organizations (see chap. V, sect. B, parts 1 and 2). Thus the coordinator would relate easily with those dealing with the political aspects at Headquarters on the one hand and with the Director-General for Development and International Economic Cooperation, UNDP

and other development entities located in New York and Washington, D.C. on the other hand.

30. Following the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa held at Oslo in August 1988, the United Nations General Assembly "requested the Secretary-General to undertake studies and consultations in order to consider the need for the establishment, within the United Nations system, of a mechanism or arrangement to ensure the implementation and overall coordination of relief programmes to internally displaced persons" (resolution 43/116 of 8 December 1988). The Secretary-General submitted his report at the forty-fourth session (document A/44/520 of 28 September 1989). It is recognized that "no formal mechanism exists within the United Nations system to deal specifically with the problem of internally displaced persons". However, with regard to Africa, working arrangements have been established. At the Headquarters level, the Unit for Special Emergency Programmes in the Department for Special Political Questions, Regional Cooperation, Decolonization and Trusteeship is responsible for coordination and resource mobilization. To facilitate inter-agency coordination, the Inter-Agency African Emergency Task Force, established at the time of the Office for Emergency Operations in Africa (OEOA), has been retained. The Under-Secretary-General for Special Political Questions, Regional Cooperation, Decolonization and Trusteeship has the responsibility to coordinate assistance. For other parts of the world, the Secretary-General will assign this responsibility to senior colleagues. In concluding, the Secretary-General stated that he "does not believe it necessary or appropriate to establish a new mechanism or arrangement to ensure the implementation or overall coordination of relief programmes to internally displaced persons. The fact that one year later the Economic and Social Council requested the Secretary-General to undertake a United Nations system-wide review of a wider scope may be an indication that Governments feel a more structured arrangement is warranted.

2. The role of the Secretary-General at the international level

31. As a general rule, the Secretary-General has designated a Special Representative at the international level when faced with complex emergencies of exceptional magnitude, e.g. a situation with strong political connotations and/or one covering several countries. This was the case with the Coordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan (UNOCA). More recently the Secretary-General designated an Executive Delegate of the Secretary-General in the context of the Inter-Agency Humanitarian Programme for Iraq, Kuwait and Iraq/Turkey and Iraq/Iran border areas. In less complex situations which still require a United Nations system-wide approach, the Secretary-General designates a lead agency. This could be either the Office of the United Nations Disaster Relief Coordinator, which is not operational, or one of the "operational" agencies, usually one playing the major role.

32. A special representative at the international level is often not located in the affected region or country either for political reasons or because of the prevailing conditions. Wherever the base is established, a secretariat will be needed. It usually starts with a few staff members but the risk exists that it will develop into a new entity which, instead of concentrating on its coordinating role, tends to acquire executive functions. The best formula is for the Special Representative to obtain, from each of the United Nations agencies concerned, the secondment of a senior staff member on a temporary basis to work as a member of a team under the leadership of the Special Representative, whilst at the same time ensuring the liaison with her/his organization. This arrangement worked satisfactorily under the Office for Emergency Operations in Africa (OEOA). That this constant consultation process between the Coordinator and the other United Nations entities concerned does not exist in the Office of the Coordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan (UNOCA), partly explains why the coordination within Operation Salam does not run as smoothly as was the case with OEOA.

33. After 1981, when the lead entity concept was formally introduced through General Assembly resolution 36/225 of 17 December 1981, the lead entity was usually the main "operational" agency which, in addition, had to act as coordinator. The information collected during the review indicates that this formula has more disadvantages than advantages. The competition among the operational agencies involved in emergencies is high and the turf problem among them is acute. As explained in chapter III, section A, there is a growing overlapping between United Nations entities where those specializing in emergency responses are extending their activities to include long-term measures, and where those who specialize in development cooperation have developed a capacity to respond to emergencies. This is not a bad development in itself provided that a clear division of responsibilities is reached among the operational agencies. When the lead agency is at the same time one of the main operational agencies, it is inclined to take advantage of its position to extend its operations while the others have the tendency to compete with the lead agency in terms of fund raising and activities for which they have the expertise. When a lead agency is designated for an emergency phase, its capacity to deal with relief programmes will not facilitate the transition to the reconstruction phase for which another lead agency with expertise in development should be designated.

34. The Secretary-General has also the possibility to designate a non-operational entity, the Office of the United Nations Disaster Relief Coordinator, as lead entity. With United Nations operational agencies developing their activities in a seemingly uncoordinated manner, often acting independently from each other, a strong coordinator seems to be in the best interests of the United Nations system, the donor countries, the affected countries and the uprooted persons concerned. He/she should act with the authority of the Secretary-General, should have no operational responsibilities but the means to allot funds to operational agencies.

3. The role of the Secretary-General at the country level

35. The Secretary-General also has the responsibility of designating "at the country level, the appropriate entity of the United Nations system to carry out relief operations, taking into account the specific requirements of the situation and on consultation with the host Government" (General Assembly resolution 36/225 of 17 December 1981). ACC decision 1982/1 adds: "If the designated entity at the country level is not the Resident Coordinator of the United Nations system for operational activities, it will keep the Resident Coordinator fully informed of its activities."

36. In most cases the Secretary-General designates as his Special Representative the United Nations resident coordinator who is also the UNDP resident representative. However, on rare occasions, the complexity and the magnitude of the situation were such that a special representative of the Secretary-General was nominated in addition to the UNDP resident representative: in Ethiopia in 1984 and in Lebanon in 1988. A somewhat similar situation exists in Afghanistan and in Iraq where, in addition to the UNDP resident representative, there is in Kabul a representative of the Coordinator for United Nations Humanitarian and Economic Assistance Programmes related to Afghanistan and in Baghdad a Coordinator in Iraq of the Executive Delegate of the Secretary-General in the context of the Inter-Agency Humanitarian Programme for Iraq, Kuwait and Iraq/Turkey and Iraq/Iran border areas. Such arrangements have created problems even where particularly sensitive issues had to be handled at the country level. One solution may be for the Secretary-General to send on short-term missions special envoys whose tasks would be to try to solve these delicate issues.

37. In other instances, seasoned UNDP resident representatives, with experience in emergency response, were transferred, at short notice, to countries where a situation of refugees, displaced persons and returnees occurred, and were then nominated as the Secretary-General's Special Representative.

38. Another arrangement reinforcing the coordinating mechanism at the country level consists of assigning additional personnel to the United Nations resident coordinators. This arrangement was used in a few instances, more recently during the second phase of the Gulf operations when an inter-agency task force designated Senior United Nations Emergency Managers (SUNEM) to the United Nations resident coordinators in Iran, Jordan, Syria and Turkey.

C. United Nations organizations

1. Office of the United Nations Disaster Relief Coordinator (UNDRO)

39. The Office of the United Nations Disaster Relief Coordinator, commonly referred to as UNDRO, is the only office whose mandate relates exclusively to disaster management. It was established by General Assembly resolution 2816 (XXVI) of 14 December 1971 as part of the Office of the

Secretary-General. The decision to create the Office was taken in order to establish a central focal point within the United Nations system for disaster relief matters, which should, under the authority of the Disaster Relief Coordinator, "mobilize, direct and coordinate the relief activities of various organizations of the United Nations system in response to a request from a disaster-stricken State". This applies to natural disasters as well as "other disaster situations". The UNDP resident representatives are also the representatives of the United Nations Disaster Relief Coordinator. Through this network, UNDRO has access to 114 field offices all over the world.

40. To fulfil its mandate, the Office carries out inter alia the following functions:

(a) Assists in providing Governments advice on pre-disaster prevention and preparedness, including the collection and dissemination in cooperation with other relevant entities, and the improvement and establishment of emergency stockpiles in disaster-prone areas;

(b) Acts as the clearing-house for information (collection, evaluation and dissemination) concerning assistance extended or planned by all sources of external aid;

(c) Ensures mobilization and coordination of international disaster relief assistance and receives, on behalf of the Secretary-General, contributions earmarked for disaster relief assistance to be carried out by United Nations agencies or programmes for particular emergency situations;

(d) Assists the Government of the stricken country in assessing its relief and other needs and in evaluating the priority of these needs.

41. In the context of improving its effectiveness, the Office has in recent years initiated several changes which are aimed at improving its coordination capabilities:

(a) The initiative to hold regular meetings of officials (especially of donor countries) in charge of National Emergency Relief Services (NERS);

(b) The establishment of closer cooperation with UNDP both at the field level through Disaster Management Teams grouping all United Nations organizations, and at headquarters level by regular meetings of a UNDRO/UNDP Task Force in which other organizations participate;

(c) By establishing a Standing Inter-Agency Working Group which meets as necessary to coordinate disaster relief assistance for specific emergencies either man-made (i.e. Lebanon or Jordan) or natural (Bangladesh cyclone, Iran earthquake, etc.);

(d) The extension of cooperation with UNDP in the creation of a UNDP/UNDRO Disaster Training Strategy programme, mainly for senior UNDP staff and national counterparts, at both the headquarters and field levels;

(e) The production of a UNDP/UNDRO Disaster Management Manual, in close cooperation with concerned organizations of the United Nations system;

(f) The strengthening of UNDRO's capacities in information management and communications to fulfil its tasks in the field of gathering and disseminating disaster-related information.

42. The Coordinator and the High Commissioner for Refugees have signed a memorandum of understanding (1978), by which it is agreed that in the event of a request for disaster relief made directly to the Coordinator, which includes potential assistance to refugees or displaced persons of concern to UNHCR, the Coordinator will inform the High Commissioner of the request, and UNHCR will undertake whatever relief measures may be necessary for these refugees or displaced persons. Furthermore, it is agreed to that the Coordinator's Office make available to UNHCR any contributions for the relief assistance of refugees or displaced persons which it receives directly.

43. UNDRO's mandate expires after the phase of the immediate emergency - defined as the time span during which human lives are at stake as a result of the immediate aftermath of a disaster - and after which responsibilities should be passed on to other competent organizations and bodies whose mandates apply to the rehabilitation and reconstruction phases. The smooth transfer and exchange of relevant information must be ensured.

44. In practice, the Coordinator's Office has focused on sudden emergencies, as opposed to long or protracted ones, a policy which is consistent with both its mandate and resources. On the other hand, the distinction between emergencies resulting from natural or man-made causes has proved to be more difficult to delineate and in any case is less relevant to the activities of the Coordinator's Office.

2. Office for Research and the Collection of Information (ORCI)

45. The Office for Research and the Collection of Information (ORCI) was created in March 1987 to support the Secretary-General in meeting his responsibility with regard to international peace and security. In this connection, ORCI provides the Secretary-General and his senior staff with:

(a) Information and analysis, including early warning, on developments related to potential conflict areas;

(b) Analysis on emerging trends which have a direct bearing on international peace and security;

(c) Back-up support for negotiations and other conflict resolution activities and participates in good offices missions;

(d) Draft statements;

(e) Political information and reviews based on wire services, newspapers, journals and UNIC offices reports; and of course

(f) Early warning on new flows of refugees and displaced persons.

In support of all these activities, ORCI develops and maintains a computerized information system (ORCIDATA).

46. On the few occasions upon which ORCI's performance on early warning with regards to refugees has been reviewed, it has been noted that, perhaps because of the Office's close link to the Secretary-General's Office, ORCI has developed a rather "closed" information approach which does not provide the necessary two-way access to effectively involve other United Nations bodies.

47. In 1990, the Joint Inspection Unit (JIU) undertook a study on the United Nations system's involvement in activities relevant to early warning on refugee flows. The report (JIU/REP/90/2) advocates the establishment of an effective early warning system for refugee flows through enhanced system-wide cooperation, with an increased capacity of ORCI acting as the focal point; and that ORCI concentrating more on monitoring of refugee flows develop an appropriate methodology, including the specification of clear indicators of imminent flows.

48. The Administrative Committee on Coordination (ACC) session in April 1991 discussed ORCI's functions and eventually followed the JIU recommendation to establish an inter-agency working group consisting of representatives from United Nations organizations [Development and International Economic Cooperation (DIEC), ORCI, Centre for Human Rights, UNDRO, UNHCR, UNDP, WFP, UNESCO, FAO, WHO and World Meteorological Organization (WMO)]. ORCI was confirmed as the focal point. The working group will submit its recommendations to the second regular ACC session in 1992.

3. United Nations Centre for Human Rights (UNCHR)

49. The Centre for Human Rights is the focal point for the United Nations human rights programme. It is the organizational entity in the Secretariat with primary responsibility for the promotion and protection of human rights and fundamental freedoms, as envisaged in the Charter of the United Nations (Article 1, para. 3; Article 13, para. 1 (b); and Articles 55 and 56), the Universal Declaration of Human Rights, various international covenants and conventions on human rights included under United Nations auspices, and various resolutions of the General Assembly, the Economic and Social Council and the Commission for Human Rights. In particular, it is responsible for:

(a) Servicing the bodies entrusted with the preparation of international standards;

(b) Servicing the bodies dealing with the implementation of those standards - implementation procedures have been established both within

international conventions, with a view to monitoring treaty obligations, as well as by human rights policy-making organs to deal with situations of human rights violations in a country-oriented or thematic approach;

(c) Technical assistance and information/education activities worldwide as well as other functions relating to programme support.

50. On 5 March 1991, at its forty-seventh session, the Commission on Human Rights adopted resolution 1991/25 by which it invited all Governments and international organizations to intensify their cooperation and assistance in worldwide efforts to address the serious problems and needs resulting from internal displacement; requested the Secretary-General to take into account the protection of human rights and the needs of internally displaced persons in his system-wide review aimed at ensuring an effective response by the United Nations system to the problems of refugees, displaced persons and returnees; and requested him to submit an analytical report on internally displaced persons, taking into account the protection of their human rights, based on information submitted by Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross and non-governmental organizations, to the Commission at its forty-eighth session.

51. It should be noted that human rights policy-making organs in dealing with such complex phenomena have frequently resorted to the establishment of special rapporteurs or working groups to examine ways and means of enhancing the human rights protection. At this point in time, such procedures exist in the area of enforced or involuntary disappearances, summary or arbitrary executions, torture, arbitrary detention, religious intolerance, the question of mercenaries and the problem of the sale and abuse of children. Policy-making organs may wish to consider creating a similar mechanism for dealing with the human rights aspects of internally displaced persons. Such a mechanism could deal with existing problems in this area with the necessary degree of urgency and in a concrete manner, bringing them to the attention of the international community and trying to generate the cooperation of all interested and concerned Governments.

D. Other United Nations entities

1. United Nations Development Programme (UNDP)

52. Until the early 1980s, UNDP showed little interest in refugees, displaced persons and returnees. These humanitarian issues, often with strong political connotations, were considered to be outside the development regime. By and large, the relationship between UNDP and UNHCR was limited to statements of good intentions but was seldom translated into concrete projects. On its side, UNHCR looked upon the United Nations development system as being incapable of responding to emergencies, requiring years to formulate a project for the settlement of uprooted people and being too close to the Governments to be an advocate of unprotected foreigners whose presence in a country had not been solicited.

53. Relationships between UNDP and UNDRO were different partly because the UNDP resident representative is ex officio the representative of the Coordinator's Office. However, it is only a few years ago since UNDP made the necessary adjustments to play its role in emergencies. A new post, Senior Advisor to the Administrator on Humanitarian Affairs, was created recently. Today, because of the various crises, UNDP deals with emergencies in some 40 countries where development cooperation had to be reduced temporarily. Recently, UNDP and UNDRO embarked on a three-year Disaster Management Training Programme to upgrade the professional skills of some 1,800 persons in disaster management. The trainees include mainly UNDP personnel and government officials in the 50 most disaster-prone countries of the developing world.

54. During the last decade, the Governments of the developing countries affected by sudden and large movements of population, as well as the United Nations development system, realized how forced migration can seriously affect the national development process. As a result, the wall between the humanitarian regime and the United Nations development system is being pulled down and one can see the day when the needs of refugees, displaced persons and returnees will be automatically integrated into the development process of the host areas, as additional resources from the United Nations development system are mobilized with the support of the humanitarian side of the United Nations system. UNHCR is gradually realizing that this is the only way to promote sustainable solutions in developing countries for persons of concern to the High Commissioner's Office. This approach is in line with General Assembly resolution 42/107 of 7 December 1987 which "requests UNDP to increase its efforts to mobilize additional resources for refugee-related development projects and, in general, to promote and coordinate with the host country and the donor community the integration of refugee-related activities into national development planning".

55. In June 1990, the UNDP Governing Council recognized for the first time that relief, rehabilitation, reconstruction and development are part of the same continuum and authorized the Administrator to utilize up to $US 500,000 from the Special Programme Resources for needs assessments and coordination activities relating to emergencies caused by population displacement. This enhanced the special coordinating responsibility of the UNDP resident representative who acts as the United Nations resident coordinator. In December 1989, the General Assembly assigned to the United Nations resident coordinator the function of coordinating assistance for internally displaced persons at country level (resolution 44/136 of 15 December 1989) and the resident coordinators chair the country Disaster Management Team.

56. Over the fifth UNDP programming cycle (1992-1996), $US 50 million has been allocated from the Special Programme Resources (SPR) for disaster-related activities. It is planned to use the SPR funds for four subcategories, as follows:

	Millions of $US
- Disaster preparedness	10
- Emergency relief	7
- Reconstruction and rehabilitation	18
- Displaced persons, refugees and returnees	5

The remaining $US 10 million has been set aside to be allocated once the General Assembly decides on the outcome of the present review.

57. Lately, UNDP and UNHCR have made genuine efforts to cooperate closely. Thus it was recently agreed, between the UNDP Administrator and the United Nations High Commissioner, that the two bodies will, inter alia, collaborate on: a joint strategy for resource mobilization; integrating management training on refugee aid and development; and developing a common database on displaced persons. The agencies' cooperation mainly focuses on the regions of Central America, southern Africa and the Horn, where major crises of uprootedness coinciding with structural developmental problems are most pronounced.

2. Office of the United Nations High Commissioner for Refugees (UNHCR)

58. The Office of the United Nations High Commissioner for Refugees was established on 1 January 1951 as a subsidiary organ of the General Assembly, and was originally set up for a period of three years. Subsequent General Assembly resolutions prolonged the mandate for three, then five years. The High Commissioner acts under the authority of the General Assembly. The Office's main functions are primarily to provide international protection to refugees, and secondarily to promote permanent solutions.

59. UNHCR was founded in post World War II partly as a successor to the International Refugee Organization and initially it was predominantly concerned with the refugee problem in Europe.

60. The question of who should be considered a refugee is becoming a difficult issue mainly due to increasingly mixed motives for departure of individuals and groups. These days population movements are triggered less by persecution or general insecurity and more by economic and environmental pressures.

(a) Refugees

61. Refugees in the classic sense are those people covered by the Statute of the Office i.e. persons who flee their country due to a "well-founded fear of persecution" for reasons of race, religion, nationality or political opinion. A similar definition of the term refugee is contained in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and also includes "membership of a particular social group" as a ground for persecution. To

date, the Statute/Convention definition is the most widely recognized definition of the term "refugee".

62. Some 10 years after its creation the Office has undertaken activities on behalf of a broader category of persons who do not necessarily meet the terms of the classical refugee definition. These are mostly people who have been uprooted and displaced externally as a result of war or serious civil strife, as opposed to victims of persecution under the Statute/Convention.

63. With regard to this group of persons, various General Assembly resolutions refer to them as refugees who are of concern to the High Commissioner or displaced persons of concern to his Office. Many Governments have accepted, either formally or implicitly, this interpretation of UNHCR's competence with regard to the broader category.

64. In Africa, the States Parties to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa have incorporated an extended definition in order to cover this broader category: the term "refugee shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality".

65. In Latin America, the wider concept is embodied in the Cartagena Declaration: "the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugee persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order". Although this is not of a legally binding character, it has been reaffirmed by the Organization of American States General Assembly every year since 1984 and, in practice, it is respected by most States in the region and has even been introduced into domestic law in some States.

66. In Europe the wider category is variously described as category B refugees, humanitarian refugees or de facto refugees. European States have also supported the Office's activities on behalf of this wider category in developing countries.

(b) Other externally displaced persons

67. As explained in chapter IV, section B, there are other groups of forced migrants who crossed international borders and found themselves in refugee-like situations but who are not of concern to UNHCR.

(c) Internally displaced persons

68. UNHCR has sometimes been involved with persons internally displaced for reason of war or civil strife, primarily on a humanitarian basis and largely by exercising a "good office" function. Thus, for example, resolution 1388 (XIV) of 20 November 1959, "authorizes the High Commissioner in respect of refugees who do not come within the competence of the United Nations, to use his good offices in the transmission of contributions designed to provide assistance to these refugees". Similar references to "good office" functions are mentioned in several subsequent General Assembly resolutions. The Office has been involved in a good office's capacity in a number of internal displacement situations, for example in Laos, Viet Nam, Cyprus and Bangladesh (with the Biharis).

69. The mandated activities of the Office include participation by the High Commissioner "at the invitation of the Secretary-General, in those humanitarian endeavours of the United Nations for which the Office has particular expertise and experience" (General Assembly resolution 2956 (XXVII) of 12 December 1972).

(d) Returnees

70. Governments reassume full responsibility for their nationals once they have returned voluntarily to their countries of origin and thereby have ceased to be refugees. The High Commissioner is mandated to undertake, among other activities, the promotion of voluntary repatriation and the General Assembly has recognized that the provision of reintegration assistance to returnees is an important factor in fulfilling this task (General Assembly resolution 39/40 of 14 December 1981).

71. In 1985, the Executive Committee of the Programme of the High Commissioner for Refugees and the General Assembly reaffirmed that "the High Commissioner should be recognized as having a legitimate concern for the consequences of returns" and identified activities for the High Commissioner as including monitoring fulfilment of the amnesties, guarantees or assurance on the basis of which the refugees have returned. In addition, UNHCR is authorized to provide limited material assistance to returnees to facilitate their rehabilitation during the initial period.

(e) Material assistance

72. As a result of the fast growing number of refugee situations and the broader mandate given to UNHCR, the Office's budget swelled from $US 24 million in 1977 to $US 318 million in 1981, to reach the level of approximately $US 500 million from 1984 to 1989. At this point in time, the High Commissioner could have approached the members of the United Nations development system to discuss the possible integration of the basic needs of the refugees into the UNDP-supported country programme while UNHCR would have concentrated on the immediate needs and the protection of the refugees. Such an approach would have required the funding of the refugees' basic needs

through UNHCR fund-raising activities and the consent of the countries of asylum. Instead, the High Commissioner chose to develop the programming capacity of his Office by establishing a core of specialists - a sort of mini-United Nations development system within UNHCR - instead of calling on the expertise available within UNDP and some of the specialized agencies. That path led to the institutionalization of extended care and maintenance operations at great cost to the international community.

73. When in the 1960s the core of UNHCR activities moved from industrialized to developing countries, UNHCR did not draw the consequences that the settlement of large refugee groups required the development of the hosting areas, an approach which the High Commissioner could not follow for two reasons. First, because the Office is not a development agency and, second, because the UNHCR mandate does not allow the High Commissioner to assist non-refugees which was a prerequisite in the settlement of a refugee community within indigenous populations living in hosting areas.

74. There are good excuses why the High Commissioner followed that path. UNDP and the specialized agencies concerned felt that the development system could remain separate from the humanitarian regime while UNHCR looks upon the development system as being slow and incapable of reacting to sudden migration. The Governments of the countries of asylum felt that more external aid could be obtained from the United Nations system by dealing separately with UNHCR and UNDP. The division between the humanitarian and development regimes exists in many donor Governments where funds to assist refugees come from a different budget line than funds for development cooperation. Even today, when the situation described above has changed for the better, UNHCR faces difficulties in raising funds for refugee-related development projects to be implemented by development entities.

75. The UNHCR mandate requires the Office to promote durable solutions, be they the voluntary repatriation to the country of origin, the settlement in the country of asylum or the emigration to the third country. The practice of the Office is, first, to cover the immediate needs and, second, to provide care and maintenance until a permanent solution emerges, which may take several years. During this period, refugees develop a syndrome of dependence on relief.

76. The High Commissioner should attempt to promote a different approach. UNHCR should alert UNDP as soon as a new refugee influx occurs. While the High Commissioner's Office deals with the immediate needs, UNDP, the relevant specialized agencies and the Government concerned agree on how the national development plan should be adjusted to give the required priority to the hosting areas in making the best use of these additional human resources. It may well happen that by the time the hosting areas receive special attention on the part of the central planning authorities, a permanent solution for the refugees other than local settlement has been found. This is a risk worth taking. When one sees the high proportion of the UNHCR budget spent on care and maintenance the approach suggested above would represent a saving to the international community while hosting areas in countries of asylum would have

become more productive. It is realized that this approach is not feasible in some countries of asylum but in other countries refugees are living on the charity from the international community for more than 10 years while a temporary settlement could have been achieved for the benefit of all. Chapter VI suggests coordinating arrangements to promote this approach.

3. World Food Programme (WFP)

77. In 1961, the General Assembly authorized the creation of a three-year World Food Programme (WFP), to begin in 1963, which was subsequently made permanent in 1965. It soon became clear that emergency assistance was to be a major part of WFP's operations, and attention and finance was increasingly allocated accordingly. The World Food Conference in 1974 led to the creation of the International Emergency Food Reserve (IEFR), which was officially established in 1975. IEFR was created by the United Nations General Assembly to provide a multilateral response mechanism for food emergencies, and is part of a larger strategy by WFP to clearly distinguish between emergency aid and development cooperation. However, this coverage of longer-term feeding operations for refugees and displaced persons from IEFR resources has proved inadequate. Accordingly, a new sub-set of regular, as opposed to emergency, resources for such protracted uprooted person operations was approved by the Committee on Food Aid Policies and Programmes (CFA) in December 1989.

78. Prior to 31 December 1989, refugees, displaced persons and returnees were mostly covered by WFP under Emergency Operations. However, the CFA approved a policy change affecting operations, which marked the abandonment, as from 1 January 1990, of WFP's previous short-term approach to refugees and displaced persons' relief requirements. Since the adoption of these new procedures, specific projects for protracted feeding of refugees and displaced persons have been created. With regard to internally displaced persons, WFP has intervened in eight countries between 1977-1988.

79. The emergency/development mix of WFP's mandate has shifted over the last 25 years. For example, during the period 1963-1972 only 9.3 per cent of WFP's total expenditure represented emergency food aid, the rest being development cooperation. However, for the period 1973-1988, the figure for emergency food aid increased to 22 per cent. WFP food supplies for uprooted persons are often supplemented from contributions made by Governments, UNHCR and/or non-governmental organizations.

80. WFP and UNHCR are in the process of finalizing a revised document redefining their collaboration and areas of responsibility related to relief for refugees and other persons of concern to UNHCR. Joint assessment missions between these two bodies continue on a regular basis.

81. Concerning WFP's relations with FAO, the former is currently drafting a new constitution which will give it increased independence from FAO in the processing of food aid projects.

82. Food aid plays an essential role in sustaining the lives of uprooted persons. Since 1988, in cooperation with other bodies (including UNHCR), WFP has served as the coordinator of food aid for refugees in Iran, Pakistan, Somalia, and since 1989, Ethiopia. This active role by WFP has relieved UNHCR of some tasks it assumed in the past in the refugee food aid sector. Today, WFP is recognized as the coordinating body for refugee food aid in the majority of the large refugee feeding programmes.

83. WFP continues to expand its role in the mobilization of all resources required in terms of logistical requirements, including external and internal transport, storage and handling costs. Its role as the coordinating body for logistics, including the handling of non-food items, is being acknowledged within the United Nations system.

4. United Nations Children's Fund (UNICEF)

84. UNICEF was founded by the General Assembly in 1946 to provide assistance, on the basis of need, to all child victims of aggression whose health was imperilled by conflict situations, without discrimination as to nationality, race, religious belief or political persuasion. Although UNICEF was originally created as a temporary body, with its operations limited to Europe, in 1953, its mandate was formally extended to international scope and the time limitation was removed. The mandate was later extended to include women. In 1979, the International Year of the Child confirmed UNICEF's role as the lead agency for children, a position further enhanced by the Convention on the Rights of the Child, which was adopted by the General Assembly on 20 November 1989, signed by 87 States, affirming that refugee children, because of their vulnerability, need special care and protection.

85. Thus, "the responsibilities of UNICEF to assist children in all situations of difficult circumstances is at the core of its mandate" (E/ICEF/1991/11). From a temporary programme, UNICEF became a long-term development organization. Nevertheless, UNICEF does play an important role in emergency operations, particularly in the areas of primary health care (including immunisation), water supply and sanitation, basic education and household food security activities.

86. In 1990, the Executive Director, in an attempt to enhance UNICEF's emergency response capabilities, created the Nairobi-based Rapid Response Emergency Unit, designed to complement the existing Emergency Operations Headquarters Unit in New York and the smaller Geneva-based unit. To coordinate the activities of all three units, the new post of Director for Emergency Programmes was also created. UNICEF's capability to respond swiftly to emergencies has been praised in several quarters. However, UNICEF often acts independently from the rest of the United Nations system on the grounds that it takes too long to put into place the relevant coordinating mechanisms. This issue was discussed during the last session of the UNICEF Executive Board under the item "Emergency Operations" and a resolution was adopted, the main substantive paragraph of which reads as follows:

"Requests UNICEF, especially when immediate action is required from the United Nations system in emergency situations, to cooperate fully and to coordinate its emergency activities with other United Nations organizations preparing joint appeals, and urges it to respond as soon as possible when implementing the coordinated plan of action at the field level. This should be done without hindering UNICEF's established capacity to provide, as an interim step and when so requested, immediate and essential humanitarian assistance required by acute emergency conditions."

87. UNICEF and UNHCR have collaborated in carrying out primary health care activities. By means of agreement between the Executive Director and High Commissioner, UNICEF has supplied special assistance to children and their mothers in refugee camps. This has occurred on a spontaneous basis for a number of years, and now the two agencies jointly prepare mutually supportive programmes in which UNICEF provides direct assistance in the fields of water and sanitation, primary health care (including immunization) and basic education.

5. United Nations specialized agencies

88. In addition to their standard setting, regulatory and global analytical functions, many of the United Nations specialized agencies are part of the United Nations development system. Their contributions are important in the post-emergency phases when they provide technical assistance to Governments in the execution of refugee-related projects. Several specialized agencies have signed cooperation agreements with UNHCR defining their role in the promotion of sustainable solutions.

89. A vital role specialized agencies can play in the promotion of durable solutions, whether local settlement in a new country or reintegration in the country of origin, is through the extension or reinforcement of public services in the impacted areas. The priviledged relationship the specialized agencies enjoy with the counter-part national ministry should permit the rehabilitation or development of national structures required as a result of a sudden increase in the population in a given area.

90. United Nations specialized agencies also have a role to play in emergency situations, be they the result of a man-made disaster, including a nuclear or chemical accident, or natural disasters. As far as emergencies related to uprooted persons are concerned, the World Health Organization (WHO) has a particular role to play as the agency concerned with the health aspects. In 1989 WHO created a new division: Emergency Relief Operations, headed by a director, with two sections; one dealing with the Relief Programme, and the other with the Emergency Preparedness and Response. This division has not yet assumed the role of coordinating body, within the United Nations system, for the health aspects of uprooted people, partly because of the procedures followed by the organization, partly because UNHCR has not been aggressive enough in pushing WHO into the leading position for health, which WFP occupies in respect of food aid for uprooted persons.

E. Other entities

1. International Organization for Migration (IOM)

91. The International Organization for Migration (IOM) was founded at the Migration Conference of 5 December 1951, following the dissolution of the International Refugee Organization (IRO) and at the same time as UNHCR. Originally, its mandate was for a temporary and regional organization, but the demand for migration assistance grew instead of subsiding, and in 1979 the organization's mandate was expanded, de facto, to provide assistance worldwide. At present, the organization has some 40 member and 25 observer States and maintains over 50 field offices in all regions, including offices in countries that are not members or observers.

92. The amendments made to the Constitution in 1989, while keeping the basic humanitarian character of the organization, implemented, inter alia, the following:

(a) The recognition of the organization's global mandate, and the necessity of preserving its flexibility in carrying out its tasks;

(b) The recognition that to ensure an orderly migration process, migration services may be needed throughout the world in a variety of circumstances, such as temporary migration, return migration, intraregional migration, and concern a variety of people, including refugees, displaced persons, returnees, labour migrants and highly skilled migrants;

(c) The importance given to the link between migration and development, inter alia, through the transfer of qualified human resources which may stimulate the creation of new economic opportunities in the receiving countries;

(d) The reinforcement of the need for cooperation among international organizations on migration and refugee matters.

93. IOM's mandate is very flexible concerning resettlement activity and voluntary return migration. In dealing with uprooted people, the organization does not limit its activities to refugees per se, but may operate on a wider scope, offering assistance to externally and internally displaced persons, uprooted persons, political detainees and other persons who do not legally qualify as refugees but are in need of migration services. IOM may provide a de facto protection in situations where the activities require the presence of an international organization between the State and the individual.

94. The objectives of IOM is to carry out, inter alia, the following functions:

(a) The handling of orderly and planned migration of nationals who desire to migrate to countries where they may achieve self-dependence through their employment and live with their families in dignity and self-respect;

(b) The transfer of qualified human resources, including members of their family, who are thus in a position to contribute to the development of the receiving countries;

(c) The organized transfer of refugees, displaced persons and other individuals in need of international migration services;

(d) The provision of a forum to States and international governmental and non-governmental organizations to exchange views, discuss experiences, devise measures and promote cooperation and coordination of efforts on international migration issues.

95. To carry out its functions IOM provides a variety of migration services, such as recruitment, selection, processing, language training, orientation activities, medical examination, placement, activities facilitating reception and integration, advisory services on migration questions, and other assistance as is in accord with the aims of the organization.

96. Cooperation between IOM and United Nations bodies, in addition to the fields of resettlement and voluntary return of refugees, displaced persons and returnees, should focus on the following main areas:

(a) Close and constant cooperation with the United Nations system in the response to man-made disasters, as evidenced in the recent Gulf crisis;

(b) Cooperation with UNDP/UNHCR in development aspects of solutions brought to the problems of refugees, displaced persons and returnees, e.g. through reintegration measures linked to long-term development plans;

(c) Analysis and classification, together with the local government and UNHCR, of specific groups of rejected asylum seekers needing special attention regarding their return or emigration, possibly to be placed in an international humanitarian migration regime.

97. It has been suggested, by IOM, that certain uprooted and displaced persons who cannot obtain protection as refugees be the subject of special concern and international attention, at least for a limited period of time during which practical solutions could be explored.

98. IOM's status is close to that of a United Nations specialized agency which facilitates common ventures. Indeed, there is a clear trend within the United Nations system to call on the IOM expertise and, on the part of IOM, to accept participation in operations coordinated by an entity of the United Nations system. This is certainly a very positive move. However, as IOM is gradually considered by the United Nations as an equal partner, both sides should be very alert to the necessity of avoiding "grey zones" i.e. areas where the respective competence is not clearly delineated. To take a concrete example, the mandates of UNHCR and IOM should be so clearly defined that an externally displaced person will be of concern to either UNHCR or IOM, but not both or neither of them, thus avoiding overlapping and gaps.

2. International Red Cross and Red Crescent Movement

99. Action taken by the International Red Cross and Red Crescent Movement (hereafter called the Movement) to assist refugees is motivated by humanitarian need; however, the legal foundation of the Movement's mandate consists mainly of the following instruments: the 1949 Geneva Conventions and their supplementary 1977 Protocols [hereafter referred to as the International Humanitarian Law (IHL)]; the statutes of the International Red Cross and Red Crescent Movement, and the various resolutions adopted at the International Conferences of the Red Cross.

100. In IHL, there is no specific definition of refugees, such as those established at the 1951 Convention relating to the Status of Refugees, or the OAU Convention governing the specific aspects of refugee problems in Africa, which both strictly define who qualify for refugee status. In contrast, the Movement upholds that under IHL, persons displaced as a result of armed conflict or unrest are entitled to protection and assistance not because of their reasons for abandoning their homes, or because they have crossed an international border, but because they are victims of hostilities. Therefore, protection is aimed towards all sections of the population. The essence of the Movement's mandate is clearly defined in the latest version of the statutes, article 5 (2)(d) of which reads as follows: "to endeavour at all times - as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife - to ensure the protection of and assistance to military and civilian victims of such events and of their direct results".

101. These statutes allow the Movement to discharge humanitarian functions not only to persons displaced by international conflicts, but also includes internally displaced persons resulting from non-international armed conflicts.

102. Concerning persons externally displaced by armed conflict, the Fourth 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, particularly addresses the protection of this group when these persons are in a country that is a party to an international armed conflict, as well as aliens who seek refuge in the territory of a party to the conflict.

103. At the heart of the Movement's ability to take independent and effective action towards the fulfilment of its mandate are the provisions which provide for the "right of initiative". Provisions within the Fourth Geneva Convention and the complementary Protocol I provide the Movement with the right of initiative to assist refugees, and are reinforced by the various resolutions adopted by the International Conferences of the Red Cross. Article 5, paragraph 3, of the statutes reads as follows: "The International Committee may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary and may consider any question requiring examination by such an institution."

104. Persons internally displaced by armed conflict are protected by the fundamental guarantees concerning the treatment of persons taking no active

part in the hostilities, as set out in Article 3, which is common to all four Geneva Conventions and is supplemented by Protocol II.

105. Furthermore, Protocol II reiterates the famous "Martens' Clause" which provides that, in cases not covered by the law in force, the victims remain at all times under the protection of the "principles of humanity and the dictates of the public conscience". Moreover, as with international armed conflict, the Movement may use the right of initiative to act on behalf of internally displaced persons who are victims of non-international armed conflicts.

106. The Movement is committed to continue its field work to help displaced persons and refugees who do not fall within the definition established by the 1951 Convention, and therefore do not normally enjoy the protection of UNHCR. This affirms the role of the Movement as the residual institution where no other body is available, willing or competent to provide protection and assistance. For those persons who do qualify as refugees under the UNHCR mandate, the Movement stresses the necessity to continue interorganizational cooperation such as that carried out in the repatriation of Salvadorean and Nicaraguan refugees.

107. Nevertheless, the Movement has had some difficulties in the provision of protection and assistance to internally displaced persons. Therefore, resolution XVII, entitled "The Movement and Refugees", was passed at the 1986 International Conference of the Red Cross in Geneva, reinforcing previous Statements of Policy, and asking national Governments to permit the Movement to provide assistance and protection to those persons having none, as in the case of internally displaced persons. Also at the Geneva conference, it was made clear that Red Cross programmes are of an "emergency character" and "should be phased out as soon as the other organizations are in a position to provide the aid required".

108. The Movement believes that existing legal instruments provide a sufficient base for operations to assist and protect refugees and displaced persons, and humanitarian law covers non-international conflicts. New legal instruments do not need to be created, but States need to make progress in ensuring respect for these rules.

3. Non-governmental organizations

109. The role non-governmental organizations (NGOs) can play in dealing with the full spectrum of the needs of refugees, displaced persons and returnees is very important in several aspects:

(a) In complex situations where the access to groups of uprooted persons requires free passage to be obtained from authorities not recognized by the United Nations, the NGOs are in a better position than United Nations entities to reach these needy persons;

(b) NGOs often act as United Nations entities' operational partners. By their on-the-spot presence they play a de facto protection role which may be essential in politically sensitive situations;

(c) Except for those NGOs who specialize in a given sector, they support disadvantaged communities, whether refugees or nationals, and they cover the full spectrum of needs, from relief to development;

(d) They can mobilize public opinion in favour of a humanitarian cause, often by enlisting the media's support, with whom they usually maintain close contact;

(e) NGOs have resources and the flexibility to use them according to the prevailing priorities. In 1986 over $US 3 billion worldwide were spent by NGOs for development-related activities.

110. The other side of the coin is that some NGOs identify themselves closely with a cause, e.g. a liberation or an insurgent movement, to the extent that they could become an embarrassment to the United Nations system in its peace-making efforts.

111. NGOs cherish their independence, in the same way that United Nations entities defend their turf. NGOs need to develop further their coordination and consultation mechanism so that Governments and United Nations entities can relate more easily with the NGO community as a whole.

IV. THE AFFECTED GROUPS

112. Persons who are forced to move as a result of man-made or natural disasters can be divided into the following three groups:

(a) Refugees as defined by international or regional legal instruments;

(b) Externally displaced persons;

(c) Internally displaced persons.

The review also covers the above uprooted persons who are going back to their country of origin or place of habitual residence. These persons are known as (d) returnees.

A. Refugees

113. As seen in chapter III, section D, part 2, there are several refugee definitions: one for Africa (1969 OAU Convention), one for Latin America (Cartagena Declaration of 1984) and a universal one which is more restrictive (the 1951 Convention and its 1967 Protocol). There are other groups of persons externally displaced who are considered by the High Commissioner and the General Assembly to be of concern to UNHCR (see chap. III, sect. D, part 2).

B. Externally displaced persons

114. In common usage, the term "externally displaced persons" is an umbrella term and does not, in itself, provide any definitive status for the group of persons to which it refers. However, for the purpose of the present report, this category includes persons who were forced to leave their habitual place or residence, crossed an international border, found themselves in a refugee-like situation but remain under the protection of their Government. For this reason, they are not usually treated as refugees. In certain circumstances, as is currently the case in parts of Latin America and elsewhere, there are groups of externally displaced persons who, although existing in a refugee-like situation, chose not to seek refugee status for various reasons. They are often referred to as "undocumented aliens".

115. There is a grey area between externally displaced persons of concern to UNHCR and other externally displaced persons. The UNHCR Working Group on Solutions and Protection is at present defining the various categories of persons who fall within UNHCR competence.

C. Internally displaced persons

116. It is generally recognized that the number of internally displaced persons exceeds that of refugees and is estimated at 24 million. The largest groups are in Angola, Ethiopia, Mozambique, Sudan, Central American countries, Afghanistan and Iraq.

117. Within the United Nations system there is no entity entrusted with the responsibility of ensuring that aid is provided to needy internally displaced persons. Material assistance to this group has been provided on an ad hoc basis. Various arrangements have been taken by the General Assembly or the Secretary-General. For instance, UNHCR is responsible for assisting internally displaced persons within Cyprus. In several situations, the High Commissioner's Office assists former refugees returning to their village of origin and UNHCR includes in its programmes internally displaced persons going back to the same places. The Executive Director of UNICEF was designated the Special Representative of the Secretary-General to launch a humanitarian assistance programme in the southern Sudan known as Operation Lifeline Sudan (OLS). As a rule, since internally displaced persons remain within their countries, their development needs should be taken into consideration on an equal level with that of the other nationals by the United Nations system led by UNDP.

118. The first initiative to raise the question of institutionalized arrangements for assistance to internally displaced persons was launched by the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa (SARRED), held at Oslo in August 1988. As explained in paragraph 30, the Secretary-General considered that the arrangements in force were satisfactory and should continue.

119. The Secretary-General gives the following definition in his report (A/44/520 of 28 September 1989) to the General Assembly at its forty-fourth session on the SARRED Conference: "For purposes of the present report, internally displaced persons are considered to be persons who have been forced to abandon their homes or their normal economic activities, while remaining inside their countries of origin, because their lives, security or freedom have been threatened by generalized violence, armed conflicts, internal upheavals, or similar events seriously disturbing the public order."

120. The above definition does not refer specifically to the causes enumerated in neither the refugee definition of the 1951 Convention (well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion) nor the definition of the Cartagena Declaration (massive violation of human rights). The fact that an international border is crossed or not in order to reach safety is often circumstantial and the definition quoted above is not sufficiently comprehensive.

121. In any case, the Secretary-General has to submit an analytical report on internally displaced persons to the Commission on Human Rights at its forty-eighth session, and this may be a propitious occasion to propose a definition which covers all situations, along the lines of the Cartagena Declaration (see para. 63).

122. Assistance to internally displaced persons raises delicate issues for the United Nations system which has to respect the national sovereignty of its members. In some situations, an offer of assistance by the United Nations may be interpreted as an interference in the internal affairs of the State or an implicit judgement on the way some nationals have been treated or not protected by their Government. The Secretary-General has little room to act because the United Nations Charter recognizes explicitly the concept of domestic jurisdiction in its Article 2 (7) which states that: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State". Nevertheless, under Article 99, "the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security".

123. It is in this spirit that the Security Council adopted, on 5 April 1991, resolution 688 (1991) in which the Council makes a reference to "removing the threat to international peace and security" and "insists that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations".

124. Internally displaced persons, as a particular vulnerable group in armed internal conflicts, are often not only in need of humanitarian assistance, but also the protection of an independent force from harassment by either of the belligerent parties. The Second Geneva Protocol (1977) calls for the protection of the civilian population in non-international armed conflicts but

no mechanism is in place to enforce these standards. So far, delegates of the International Committee of the Red Cross (ICRC) are the only independent international observers occasionally admitted in internal conflicts. However, the mere physical presence of international relief workers is often the only effective protection possible. Considering the political sensitivity of a United Nations involvement in many situations of internally displaced persons, as well as the experience and greater flexibility in their mandates that several international and local NGOs have in areas of conflict, the United Nations system should recognize the contributions of these entities in providing assistance, and de facto protection where required, to internally displaced persons and ensure a closer complementarity with these entities.

125. It is not proposed that the Secretary-General designate one United Nations entity whose mandate would be extended to provide protection and/or assistance to internally displaced persons. As explained in chapter V, part B, it is suggested to promote a unitary approach by the United Nations system, each entity being responsible for the part for which it has the best expertise. As situations of refugees, displaced persons and returnees vary from each other and as the causes of forced migration within a country differ greatly, the responsibilities of each organization cannot be determined in advance and will have to be agreed upon according to basic coordination arrangements described in chapter V.

D. Returnees

126. This category includes refugees and externally displaced persons who return to their country of origin as well as the internally displaced persons who return to areas where they were living before their forced displacement. Returnees place themselves again under the protection of their Government. Living in their home country, their Government has the primary responsibility for their well-being. Their needs are to be taken into account in the same manner as the needs of other nationals living in the same parts of the country. Returnees should therefore be integrated into the national development process.

127. However, they often return to areas which were affected by disasters or internal conflicts and a special effort is required to rehabilitate and reconstruct these areas. On the principle of burden sharing, it would be fair for the international community to contribute to the special efforts required.

128. When returnees are former refugees who did not want to avail themselves of the protection of their Government, who are going back home following a general amnesty or under guarantees given by their Government, the Executive Committee of the UNHCR Programme found that the High Commissioner's Office has a legitimate concern to ensure that the conditions under which the former refugees agreed to return are indeed being applied. This is a quasi-protection function which is part of the voluntary repatriation, one of the permanent solutions which UNHCR has the mandate to promote. The Executive Committee also authorized UNHCR to provide limited assistance for a short period (one to two years) towards the initial reintegration of the returnees.

V. PROPOSED COORDINATING ARRANGEMENTS

A. General remarks

129. The involvement of the United Nations system in the recent complex emergencies has highlighted one of the main problems in its response, namely its ad hoc nature. Delays and lack of preparedness are by definition inherent in an ad hoc response to sudden emergencies. It takes time to establish even temporary structures and for coordination arrangements to become operational. These emergencies have demonstrated the need to introduce a degree of automaticity into the system. Also highlighted in these emergencies is the complexity of the issues involved which cover the whole spectrum from relief, to reconstruction, to development. This necessarily needs mobilization of the entire United Nations system. Therefore, coordination arrangements at the international and country levels become central in ensuring an effective response from the system.

130. The coordination arrangements must ensure both inter-agency coordination as well as substantive coordination from initial relief to reconstruction to development in order to address the full spectrum of needs. In addition, since the United Nations system is responsible for only a small percentage of resources and capacities needed to respond to emergencies, especially those which are complex and large scale in nature, it is also expected to ensure complementarity with the resources and capacities of the bilateral donors and NGOs for a rapid and effective response. If the coordination arrangements do not have the required automaticity built into them, there is a tendency for NGOs and some United Nations entities, which have the resources and the necessary flexibility, to move in before effective division of responsibilities are established by an ad hoc arrangement.

131. Some of these concerns were reflected in the recently concluded discussions of the UNICEF Executive Board in May 1991. The Governments felt that because the United Nations system as a whole has not always been able to demonstrate an adequate preparedness in its emergency response, it has been one of the factors contributing to UNICEF assuming a lead role and separate launching fund-raising operations in some cases. UNICEF's role in emergencies has so far been defined only in terms of the target group, i.e. women and children. In the view of the Governments a coherent international response to disaster situations should be based not only on target groups but on an effective division of tasks between the relevant organizations of the United Nations system according to their comparative expertise.

132. The objectives of the proposed coordinating arrangements are:

(a) To make the choice of the coordinating arrangement, most relevant to a given situation, as automatic as possible while also limiting the choice to a few basic scenarios with the possibility to add the flexibility required by the specificities of each situation;

(b) To promote a unitary approach by the United Nations humanitarian entities;

(c) To involve the United Nations development entities from the beginning of an emergency in order to promote a quick transition from relief to rehabilitation, reconstruction and development.

133. A permanent mechanism should be established, on a standing basis, which would be in operation even when no new emergency exists in order to follow current situations and ensure the continuum from emergency response to development cooperation.

134. In addition to the permanent mechanism, special coordinating arrangements may be required depending on the magnitude and the complexity of a given situation.

B. Proposed coordinating arrangements

1. At United Nations Headquarters level

135. Already in 1987, the Secretary-General reported to the General Assembly that "for UNDRO to be effective, it must act and be seen to act on behalf of the Secretary-General, and this will require improved communications between UNDRO and the United Nations headquarters" (document A/42/657, 15 October 1987). What was seen as a need three and half years ago is today a necessity. One way to achieve it is to place the United Nations Disaster Relief Coordinator in New York, next to the Secretary-General, and to entrust him/her with the additional responsibilities to promote the transition from emergency into development. Thus there would be in New York an entity responsible for the coordination of humanitarian and development activities related to emergencies headed by an Under-Secretary-General.

136. The new entity would not have executive functions, except when the Under-Secretary-General acts as head of UNDRO. The present arrangements between the Secretary-General and the heads of agencies would not be affected by the transfer to the United Nations Headquarters and the increased responsibilities of the Coordinator. On the contrary she/he should have a supporting role by assisting the Secretary-General in discharging her/his ever-increasing responsibilities towards refugees, displaced persons and returnees.

137. The main function of the new entity would include:

(a) To follow situations which are likely to entail forced movements of population or the return of uprooted persons and keep the Secretary-General informed of developments involving refugees, displaced persons and returnees;

(b) To assist the Secretary-General in resolving political aspects of situations of uprooted persons which the heads of agencies have brought to the Secretary-General's attention for advice and possible action;

(c) To advise the Secretary-General when special coordination arrangements are warranted and make proposals to that effect;

(d) To chair meetings of the Group in Geneva (see paras. 140 to 144 below) and to reach agreements on programming procedure covering the various stages described in chapter VII, "Proposed Programming Procedure for Emergencies", particularly on division of responsibilities;

(e) To prepare joint appeals to be launched by the Secretary-General, to administer a central fund to which contributions will be credited, and to allocate the funds according to the priorities agreed upon by the Group in Geneva;

(f) To administer the Central Emergency Fund (see paras. 165-167 below);

(g) To act as a referral point at United Nations Headquarters on issues related to refugees, displaced persons and returnees;

(h) To organize frequent meetings with representatives of the donor countries, the affected countries and the media;

(i) To be responsible for the overall supervision of the UNDRO Office in Geneva.

138. It will be essential for the new Coordinator to be quickly and well-informed of potential, impending and new forced movements of population. A close link with the Office for Research and the Collection of Information (ORCI) will have to be established. When the Administrative Committee on Coordination (ACC) reviews the recommendations of the working group on early warning (see para. 48) at its second regular session of 1992, it might envisage the transfer of ORCI's activities related to potential new flows of refugees and displaced persons to the new entity responsible for the coordination of humanitarian and development activities related to emergencies.

139. The new entity should have a small staff to assist the Under-Secretary-General. The possibility should be explored of consolidating within the new entity staff from other departments who are working on refugee, displaced persons and returnee situations.

140. Eventually, other personnel scattered in various departments who deal with political situations which may generate refugees should also be transferred to the new entity if and when developments in these situations require assistance programmes for uprooted persons.

2. At Geneva level

141. UNDRO should remain in Geneva headed by a senior director who would report to the new Coordinator in New York.

142. UNDRO's mandate would remain the same but the Office would serve in addition as the secretariat for the Group for humanitarian and development activities related to emergencies (see paras. 140-144). The following functions of the Office should be developed:

- collection, analyses and dissemination of information relating to emergencies;

- training of personnel in disaster management at all levels; collecting information on similar training undertaken outside the United Nations system; and establishing an international roster.

143. In its resolution 45/221 of 21 December 1990, the General Assembly requested the Secretary-General to make proposals to the Economic and Social Council at its second regular session of 1991 for the strengthening of the capacity of the Office of the United Nations Disaster Relief Coordinator (UNDRO) to fulfil its mandate.

144. A standing Group for humanitarian and development activities related to emergencies would be established in Geneva, the humanitarian centre of the United Nations. The Group would assemble all United Nations agencies dealing with immediate-, medium- and long-term needs of forced migrants and the United Nations Information Service, as well as other international organizations, such as IOM, ICRC, the League of Red Cross and Red Crescent Societies, and NGOs. Such a composition would ensure overall coordination of humanitarian assistance as well as rehabilitation, reconstruction and development activities from within and outside the United Nations system.

145. This Group would deal with the full spectrum of the needs of uprooted people and it would be within the scope of this Group's functions that the transition from emergency relief to development cooperation would be discussed and initiated. The Group should meet regularly, once a month (at least during the first year), to review the various situations, clarify the responsibilities of each entity and draw the lessons from joint evaluations.

146. The Group would normally be chaired by the United Nations Coordinator for humanitarian and development activities related to emergencies. In his absence, the Senior Director of UNDRO would chair the meeting with the Director of the UNDP European Office acting as a Co-Vice-Chairperson. The latter represents the coordinating body of the United Nations development system. His/her role for rehabilitation and development phases would be as important as that of the UNDRO Senior Director for emergency phases.

147. The Group should be composed of senior officials who are not liaison officers posted in Geneva but who have substantive responsibilities in their organizations in the sector of protection or assistance to uprooted people and have access to their executive head.

148. In addition to the regular meetings, the Under-Secretary-General for Humanitarian and Development Activities related to Emergencies would call

special meetings of the Group at very short notice to respond to new emergencies or any other unexpected and sudden developments of an existing situation.

3. At country level

149. A corresponding inter-organizational structure should be established on a permanent basis. The composition of the present Disaster Management Team should be reviewed to include members of the United Nations development system and other organizations (e.g. the Red Cross Movement and NGOs, both indigenous and international) which could respond to emergencies and contribute to the rehabilitation and development phases. The new Task Force should be chaired by the United Nations resident coordinator.

150. In case of a new emergency, the new country Task Force for humanitarian and development activities related to emergencies should take the first emergency measures, using in a coordinating way, the authority that several United Nations entities have entrusted their country representatives to commit funds up to a certain limit in case of emergency. The NGOs, represented on the Task Force, often have relief goods readily available or can mobilize emergency supplies at very short notice. The Chairperson of the Task Force should call a meeting with the embassies for an exchange of information, which may end up in some embassies making on-the-spot allocations out of their own funds. The Chairperson of the Task Force also should give briefings to representatives of national and international media represented in the country.

C. Proposed programming procedure for emergencies

1. Procedures

151. When the entire United Nations system is being mobilized in a coordinated manner to implement a joint plan of action their response time will be determined by the authority of their representatives to hire staff, procure equipment and approve projects. If some are more centralized than others it will affect the ability of the United Nations system as a whole to implement the programme in a rapid, coordinated and smooth manner. Unified emergency procedures in the United Nations system are necessary to ensure that every organization is able to implement its part of a joint plan of action rapidly and effectively. At present, those who are more decentralized tend in emergency conditions to perform tasks which may be the responsibility or in the mandates of other organizations.

2. Early warning

152. During the last few years several United Nations agencies have developed early warning systems within their sphere of competence. A good example is FAO, which has established the Global Information and Early Warning System (GIEWS) for crop assessment. GIEWS assesses the agricultural situation in

specific countries and regions, and while this does not directly cover refugee situations or sudden natural disasters, it does identify the affected population in order to make an estimate of emergency food requirements. The information provided also covers a wide range of socio-economic indicators as far as possible, including population movements. As one of the most developed systems for early warning in the United Nations system, there is much to learn from FAO's methodology and experience, in particular the development of socio-economic indicators, method of assessment, computerization, etc.

153. It is important to note that early warning systems are not yet fully operational, either at the Centre for Human Rights or at UNHCR, or at UNDRO. Efforts on the part of ORCI are still in a very early stage of development. So far, in UNHCR efforts are being made to improve the information flow between the field level and headquarters to assist in dealing efficiently with more influxes that have already occurred.

154. As stated in paragraph 46, a system-wide coordination is required for the various systems to contribute to predict or mitigate possible refugee flows as decided by the Administrative Committee on Coordination (ACC) in April 1991.

3. Right to humanitarian assistance and access to people in need

155. Article 59 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War obliges all parties of an international conflict to permit free passage for humanitarian assistance such as food delivery. This is enhanced by the First Protocol of 1977. The Second 1977 Protocol relating to the protection of victims of non-international armed conflicts prohibits "starvation of civilians as a method of combat", and calls for the protection of medical and religious personnel as well as transports.

156. On 8 December 1988, the General Assembly adopted resolution 43/131, entitled "Humanitarian Assistance to Victims of Natural Disasters and Similar Situations" which calls upon States to facilitate the assistance work of the humanitarian organizations by allowing transit of humanitarian assistance, particularly the supply of food, medicines and health care.

157. In May 1989, the World Food Council (WFC) adopted the Cairo Declaration proposing an international agreement on the safe passage of emergency food aid to people affected by civil strife, war and disasters. The question of safe passage of emergency food aid was discussed again at the sixteenth session of WFC at Bangkok in May 1990.

158. General Assembly resolution 45/100 of 14 December 1990 (which is a follow-up to General Assembly resolution 43/131 mentioned above) noted the suggestion made by the Secretary-General on the possibility of establishing, under certain conditions, relief corridors for the distribution of emergency medical and food aid.

159. In January 1991, after protracted negotiations, WFP was allowed to bring food commodities to the port of Masawa (Ethiopia) to be distributed equally between the authorities in Asmara and the Ethiopian People's Liberation Front (EPLF).

160. Also, in early 1991, UNICEF was instrumental in establishing "days of tranquillity" in El Salvador and Lebanon in order to vaccinate children in contested areas.

161. The independent Expert Consultations on Humanitarian Access, Brown University, April 1991, made some proposals on guidelines for humanitarian operations in areas of armed conflict, such as:

(a) Safe passage arrangements could include a guarantee function by United Nations armed forces;

(b) An independent ombudsman function should be created to survey safe passages;

(c) NGOs should be included in safe passage arrangements.

162. On 5 April 1991 the Security Council adopted resolution 688 (1991) insisting that "Iraq allows immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations".

163. The right to intervene is diametrically opposed to the obligation of non-interference in the internal affairs of the States as laid down in the United Nations Charter. It is worth quoting a few sentences from a lecture given by the United Nations Secretary-General at the Bordeaux University in April 1991:

> "But one could - and I would even say, should - inquire whether certain other texts that were later adopted by the United Nations, in particular the Universal Declaration of Human Rights, do not implicitly call into question this inviolable notion of sovereignty. Has not a balance been established between the rights of States, as confirmed by the Charter, and the rights of the individual, as confirmed by the Universal Declaration? We are clearly witnessing what is probably an irresistible shift in public attitudes towards the belief that the defence of the oppressed in the name of morality should prevail over the frontiers and legal documents."

4. Needs assessment

164. The importance of assessing the basic needs of uprooted persons as quickly and as accurately as possible cannot be stressed enough as the appropriateness of the assistance depends on this assessment. It may be appropriate to recall a few guiding principles:

- An initial assessment should be carried out immediately by the country Task Force for humanitarian and development activities related to emergencies together or in cooperation with the authorities;

- The first meeting in Geneva of the Group should agree on an inter-agency mission to carry out a more detailed assessment;

- The assessment of needs should be "tailor-made", i.e. the group of uprooted persons should be analysed from different aspects (material, social, attitudes) so that the assistance to be provided will cover the group's vulnerabilities;

- The demographic composition should be taken into account as often women and children represent 80 per cent of a refugee population;

- The role of women, their special needs and these of the children should be identified separately and clearly specified in the plan of action;

- Refugees, displaced persons and returnees should participate in the assessment of their needs, particularly the women who should be invited to express their views on the various types of assistance and particularly on the protection they and the children need.

5. Division of responsibilities

165. There is overlapping between mandates as can be seen in chapter III where the main entities' mandates are described, as far as they relate to refugees, displaced persons and returnees. These duplications should be gradually eliminated during the meetings of the Geneva Group for humanitarian and development activities related to emergencies, particularly when the Group defines the role of each entity in a given situation. Progress has been made in this area in the Afghan and Iraqi situations, but the division of responsibilities among the entities concerned needs to be defined in greater detail to maximize the use of resources.

6. Consolidated plans of action

166. A clear division of responsibilities would assist participating organizations when formulating their part of the plan of action. The programme design should be carried out jointly with the national authorities, and the affected country's participation (in cash, kind or services) should be specified as clearly as possible.

167. The country Task Force should consolidate the plan before it is endorsed by the Group in Geneva.

7. Joint appeal and central fund

168. Appeals for unitary plans of action should be launched by the Secretary-General on behalf of the United Nations system. To the extent possible, the Appeals should follow a standard format with regular updating. It would reinforce the position of the United Nations Coordinator for humanitarian and development activities related to emergencies if Governments responded to joint appeals by contributing to a central fund without earmarking their contribution to any specific agency. This would avoid uneven distribution of funds to the plan of action, a situation which could affect the priorities set up by the country Task Force and the Group in Geneva.

169. Some agencies have the practice to follow-up joint appeals by independent approaches to donors to ensure the full funding of the activities entrusted to them. Such a practice may create confusion in the mind of some donors and thus provoke a poor response, particularly when separate appeals do not relate clearly to the consolidated appeal launched by the Secretary-General. In other instances, it may provide Governments with useful detailed information not contained in the joint appeal.

170. The Group for humanitarian and development activities related to emergencies would discuss and agree on priorities and the way funds are to be allocated to the participating agencies.

8. Central Emergency Fund

171. Several United Nations organizations and agencies have operational reserves or emergency funds of varying magnitude. Recently UNHCR has increased its Emergency Fund from $US 10 million to $US 20 million and UNICEF increased theirs from $US 4 million to $US 7 million. On the other hand, UNDRO, the focal point for disaster relief, only has $US 360,000 in its contingency relief fund with a maximum of $US 50,000 per disaster for any one country.

172. A Central Emergency Fund (CEF) should be created under the auspices of the United Nations Coordinator for humanitarian and development activities related to emergencies, supplied by contributions from donor Governments, and possibly by United Nations entities possessing their own emergency funds but wishing to have the right to borrow from CEF, in periods when their own funds are exhausted. These United Nations entities would contribute to CEF according to a procedure to be developed by the United Nations entities concerned and agreed by their respective governing bodies.

173. The Central Emergency Fund would operate on a revolving basis. The amount allocated to a new emergency situation would be reimbursed by the contributions received as a result of a joint appeal.

9. Supply depots

174. Of equal importance to a Central Emergency Fund is the existence of stock of supplies required in emergencies. Two such supply depots already exist.

175. UNICEF operates the UNIPAC centre in Copenhagen, an emergency stockpile designed for rapid response in emergency situations and which may also be made available for use by other United Nations agencies, donor Governments and non-governmental organizations wishing to provide a quick input into an emergency situation.

176. In Pisa, UNDRO maintains a permanent warehouse and stockpile of emergency relief supplies available for prompt dispatch to disaster-stricken areas. On occasion, supplies can also be stored for other entities, such as emergency drug kits on behalf of WHO.

177. UNHCR recently proposed the creation of food aid reserves, with physical stocks in Europe, for emergencies involving refugees. However, WFP has indicated its preference for a cash fund to meet this need.

10. Implementation and monitoring

178. At the country level, Governments should form task forces composed of representatives of the ministries concerned. There should be frequent meetings between the government task force and the country Task Force for humanitarian and development activities related to emergencies. The respective chairpersons should be in daily contact. Representatives of organizations outside the United Nations system but participating in the implementation of the emergency operations should participate in the joint meetings of the task forces.

11. Reporting

179. Country representatives of each agency should report on the implementation of that part of the plan of action which falls within their competence. Consolidated reports should be prepared at field level by the country Task Force and endorsed in Geneva by the Group. Consolidated reports would then be sent to donors by the Under-Secretary-General for humanitarian and development activities related to emergencies.

12. Evaluation

180. Evaluation should be a built-in component of every operation to assist refugees, displaced persons and returnees and should be carried out on a inter-agency basis by the country Task Force. It is essential that representatives of the affected groups participate in the evaluation, particularly women. Every evaluation report should specifically mention the

extent to which the women feel that their particular needs and skills have been taken into account.

181. The authorities of the country concerned, organizations outside the United Nations system which participated in the operations and representatives of the main donor countries should also be part of or closely associated with the evaluation.

182. Evaluation reports should be reviewed by the Group in Geneva which should draw the lessons learned from each operation.

13. Personnel

183. Human resources are as important as funds and goods to respond effectively to emergencies. There is a major role to play here for UNDRO in the training of personnel at all levels. The Office should develop its activities in this sector along the following lines:

(a) To pursue the joint UNDP/UNDRO Disaster Management Training Programme and to organize training courses for United Nations staff members, government officials in countries where such facilities do not exist, and personnel from non-governmental organizations;

(b) To establish operational links with governmental bodies where nationals are receiving training related to emergencies and see how United Nations and government officials in need of such training could benefit from the existing facilities;

(c) To reach an agreement with Governments having emergency training facilities on modalities for the secondment of trained personnel by Governments to the United Nations system as part of their contribution to an emergency;

(d) To develop its cooperation with the United Nations Volunteers Programme in order to train volunteers or use those already trained;

(e) To establish a world roster of personnel trained in emergencies using modern communication technology.

184. The objective of this programme is that any entity, within or outside the United Nations system, who would require trained personnel to respond to an emergency could request UNDRO to identify the persons with the required training who would be available to go on short notice. The advantages of finding trained personnel with expertise in the region of an emergency are obvious.

14. Information

185. One of the strong points of the Office for Emergency Operations in Africa (OEOA) was its close relations with the media. There is a tendency among some members of the United Nations system to hide failures or to package them so well that they almost become successes. In the long run transparency is seen through by the media. Their representatives are more inclined to be supportive if obstacles, which prevented the objective being reached, are well and honestly explained to them.

186. It is recommended that the Group in Geneva includes a member of the United Nations Information Service who would relate to the media on a current basis. In New York, the United Nations Coordinator for humanitarian and development activities related to emergencies should develop a capacity to be in contact with the media. At the country level, the United Nations resident coordinator should also brief the media when an emergency occurs in the country and on the response by the United Nations system.

VI. FROM EMERGENCY TO DEVELOPMENT

187. The proposed structure should facilitate a unitary response to emergencies by the United Nations system as well as expedite the transition from relief operations to medium- and long-term measures. The second objective is more difficult to realize than the first because humanitarian aid and development cooperation are being handled by different entities within donor Governments and within the United Nations system, except for UNICEF and WFP, whose respective mandates require them to deal with emergencies as well as with development work. The mandate of IOM also allows the organization to deal with emergencies as well as with development work on behalf of refugees, displaced persons, returnees and other persons in need of international migration services.

188. Presently, the problem mainly lies with UNHCR, whose mandate demands that the High Commissioner's Office deal with emergencies whilst simultaneously promoting permanent solutions (now referred to as "durable" solutions). At the same time, the problem also lies equally with: the United Nations development system and particularly with UNDP, its coordination body; the donor Governments, whose funds for emergencies usually come from a different budget line than funds for development cooperation; the countries of asylum, whose Governments often establish a national refugee administration to deal with the refugees' needs instead of entrusting this task to technical ministries and the central planning authorities. How to solve these issues? Various misunderstandings and a lack of confidence among various entities must be cleared up before a proposal can be made.

189. First of all, UNHCR's mandate is not clear, or rather the interpretation given to the expression "promotion of durable solutions" differs within the organization and among bodies of the United Nations system. The promotion of solutions should be the process through which the most appropriate solution(s)

is/are identified, negotiated and agreed upon by all the parties concerned. It is a political and diplomatic action consisting of a dialogue with the refugees on how they perceive their future, together with consultations with countries of origin, first asylum and resettlement on whether they would be prepared to let the refugees return to their home country, settle where they found asylum or be resettled in a third country.

190. In the 1950s and early 1960s, UNHCR's activities were mainly in Europe and the integration of refugees into Western European economies or their resettlement in overseas countries, such as the United States of America, Canada or Australia, were undertaken by Governments or NGOs with financial support from the High Commissioner. Today, integrating a group of uprooted people in a developing country requires the development of hosting areas, a long-term, complex and costly operation which can and should fall within the competence of the United Nations development system.

191. This development approach should apply whatever the sustainable solution that has ultimately emerged as a result of the promotion role of UNHCR: voluntary repatriation, settlement in the country of first asylum or resettlement in a third country.

192. The funding of such an approach raises a major problem. Governments of developing countries where uprooted persons would be among the beneficiaries of rural development plans are unlikely to agree to using their meagre UNDP resources for such schemes. The degree of the Government's understandable reluctancy will vary depending on the type of solution: one could expect a higher government participation where returnees or internally displaced persons are being reintegrated than when a Government accepts on its territory the settlement of alien refugees or externally displaced persons.

193. It is essential for the developing countries concerned that the external funding of these schemes comes <u>in addition</u> to the expected official development aid. The principle of additionality is of essence if the international community wants sustainable solutions for uprooted persons to be implemented. This principle as well as that of burden sharing and the complementarity of refugee aid and development cooperation have been reiterated in several General Assembly resolutions, particularly those related to the Second International Conference on Assistance to Refugees in Africa (40/117 of 13 December 1985, 41/122 of 4 December 1986 and 42/107 of 7 December 1987). In these resolutions, the General Assembly "requests the United Nations Development Programme to increase its efforts to mobilize additional resources for refugee-related development projects".

194. At its fortieth session, the Executive Committee of the Programme of the High Commissioner for Refugees "requests the High Commissioner to enter into consultations as soon as possible with UNDP and other relevant agencies of the United Nations system and other international organizations, both intergovernmental and non-governmental, so as to examine the conditions and modalities of an appropriate implementing mechanism, for development projects relating to refugees, returnees and the areas that receive them". The General Assembly endorsed this decision in its resolution 44/137 of 15 December 1989.

195. One possible mechanism would be the establishment of a trust fund administered by UNDP and UNHCR funded by contribution in response to joint appeals. The idea of an international fund for development projects related to the presence of refugees is not a new one. In 1979, the United States Administration envisaged the creation of such a fund. The aim was to promote the resettlement of refugees within a region through the financing of development projects. The idea was abandoned as the result of change in the United States Administration. The feasibility of such a fund should be studied to determine: countries where such an approach is likely to work; number of refugees involved; appropriate level of the fund; the mechanisms and procedures required for its administration; the attitude of the donor community, etc.

196. Whatever mechanism is adopted, donor Governments have to realize that sustainable solutions for uprooted persons in developing countries will require additional funding. Even if after some years the budget of UNHCR for care and maintenance operations can be reduced, the additional funds required by the United Nations development system will be larger than the savings achieved, at least during the initial period.

197. What is needed to promote the development approach is:

(a) The will of a few donor Governments to mobilize additional funds during an initial period of several years;

(b) The trust of the countries of asylum in the donor community that through this approach the level of aid received from the United Nations system, as a result of the presence of uprooted persons, will not decrease, but is likely to increase during the initial period; and that the type of assistance will be different and will ensure that the parts of the country where uprooted persons live become more productive;

(c) The mutual trust between UNHCR and the members of the United Nations development system that the High Commissioner's Office will concentrate its activities on international protection of refugees and the search for solutions, and that UNDP and the specialized agencies will develop their capacity to implement sustainable solutions for refugees, displaced persons and returnees by integrating them in the development process of the areas where they live;

(d) The involvement of other institutions outside the United Nations system, particularly the International Organization for Migration (IOM), the Red Cross and Red Crescent Movement and the non-governmental organizations.

198. There is no short cut to solving existing refugee situations, but is the donor community prepared to pay the price? It would represent a saving in the long run but more important it would allow several million human beings to dispense with the international community's charity and resume a productive life.

Annex I

ECONOMIC AND SOCIAL COUNCIL RESOLUTION

1990/78. Refugees, displaced persons and returnees

The Economic and Social Council,

Recalling decision 90/22 of 22 June 1990 adopted by the Governing Council of the United Nations Development Programme at its thirty-seventh session,

Recalling General Assembly resolution 44/137 of 15 December 1989, in which, inter alia, the Assembly invited the agencies of the United Nations system, as well as all other relevant international organizations, both governmental and non-governmental, to establish as soon as possible specific mechanisms of cooperation to assure an agreed division of responsibilities and arrangements for the financing of operational activities relating to refugees, while preserving the mandate of the United Nations High Commissioner for Refugees,

Noting the substantial increase in the number of refugees, displaced persons and returnees and their impact on the development prospects of the often fragile economic infrastructures of the countries concerned,

Realizing the immense human suffering occasioned by the phenomenon of mass population movements resulting from conflict, natural and man-made disasters and war,

Recognizing that relief, rehabilitation, reconstruction and development are part of the same continuum, and stressing that the impact of refugees and displaced persons on the development prospects of affected countries are frequently severe, multifaceted and require a system-wide approach in order to ensure that the full spectrum of their needs is covered and that serving those needs should complement the development efforts of the affected countries,

Recognizing the primacy of the mandate of the Office of the United Nations High Commissioner for Refugees in providing international protection and assistance to refugees and in seeking durable solutions to their problems, and commending the efforts being made by the Office in that regard,

1. Requests the Secretary-General to initiate a United Nations system-wide review to assess the experience and capacity of various organizations in the coordination of assistance to all refugees, displaced persons and returnees, and the full spectrum of their needs, in supporting the efforts of the affected countries;

2. Also requested the Secretary-General, on the basis of the system-wide review and within existing resources, to recommend ways of maximizing cooperation and coordination among the various organizations of

the United Nations system in order to ensure an effective response by the United Nations system to the problems of refugees, displaced persons and returnees, keeping in mind the mandates of the United Nations organizations concerned;

3. Further requests the Secretary-General to report on the results of the system-wide review and on the recommendations emanating therefrom to the Economic and Social Council at its second regular session of 1991.

Annex II

TERMS OF REFERENCE

In the context of implementation of Economic and Social Council resolution 1990/78 of 27 July 1990, entitled "Refugees, displaced persons and returnees", the consultant shall:

1. Assess the capacity and experience of the United Nations entities involved in the provision and coordination of assistance and protection of refugees, displaced persons and returnees, in support of the efforts of the affected countries in meeting the full spectrum of the needs of these uprooted persons;

2. Recommend ways of maximizing the effectiveness of the United Nations system and its concerned members in areas such as preventive action, early warning, access to affected persons, needs assessment, dissemination of information, mobilization of resources, operation procedures, logistics, personnel and training;

3. Identify possible gaps, overlapping and/or contradictions between the existing mandates of the concerned United Nations agencies, in relation to assistance to uprooted persons;

4. Review different coordination arrangements among the United Nations organizations concerned at both headquarters and country levels and the relationship between the two levels with a view to identifying the strength and weaknesses of the various coordination mechanisms in terms of timeliness of response, coherence of activities, division of responsibilities among the organizations involved, and to highlighting the nature of the problems that must be addressed;

5. Make reference in the report to other initiatives within and outside the United Nations system related to basic issues covered by the review in order to enhance a coordination between the proposed review and these initiatives;

6. Make recommendations as to further actions which could contribute to an effective response by the United Nations system to the problems of refugees, displaced persons and returnees.

5 March 1991